

Pursuant to Federal Rules of Appellate Procedure 27 and 34(b), Plaintiffs-Appellants respectfully move the Court to postpone the oral argument scheduled for October 17, 2024. In support of this motion, Plaintiffs-Appellants state the following:

1. On June 28, 2024, in *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), the Supreme Court of the United States vacated this Court’s August 12, 2022 judgment. Following receipt of the Supreme Court’s mandate on July 30, 2024, the Court recalled its own mandate from the district court.

2. Yesterday, on August 6, 2024, the Court issued a *per curiam* order scheduling further proceedings. To wit: the Court ordered supplemental briefing and concurrently scheduled oral argument for October 17, 2024, at 9:30 a.m.

3. Federal Rule of Appellate Procedure 34(b) requires that a motion to postpone argument “be filed reasonably in advance of the hearing date.” And D.C. Circuit Rule 34(g) clarifies that any continuance of oral argument should only be granted “upon a motion evidencing extraordinary cause.” Such cause exists here.

4. Undersigned counsel is presently scheduled to be abroad between October 13, 2024 and October 21, 2024. That international travel was planned prior to issuance of the Supreme Court’s decision on June 28, 2024.

5. As set forth in the Clerk’s Memorandum to Counsel Concerning Cases Set for Oral Argument, a motion to postpone should be “submitted immediately upon receipt of the calendaring order.” Here, the instant motion was filed the next business day following consultation with opposing counsel. Undersigned counsel has therefore endeavored to file the motion as soon as possible.

6. To date, Plaintiffs-Appellants have not filed any motions to extend or modify a deadline or to postpone argument.

7. Plaintiffs-Appellants respectfully request that oral argument be postponed until no earlier than October 28, 2024, by which time undersigned counsel intends to have returned to the United States.

8. Plaintiff-Appellants conferred with counsel for the government, which indicated that Defendants-Appellees do not oppose the relief sought.

For these reasons, Plaintiffs-Appellants request that the Court grant the motion to postpone oral argument until no earlier than October 28, 2024.

Dated: August 7, 2024

Respectfully submitted,

/s/ Ryan P. Mulvey

Ryan P. Mulvey

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Counsel for Plaintiffs-Appellants

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion complies with the requirements of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 349 words, as counted by the word-processing system used to prepare the document.

I further certify that this motion complies with the requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 in 14-point Century Schoolbook font.

Dated: August 7, 2024

/s/ Ryan P. Mulvey
Ryan P. Mulvey

Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2024, I filed the foregoing Motion to Postpone Oral Argument in the United States Court of Appeals for the District of Columbia Circuit using the Appellate CM/ECF system. Service will be accomplished by the Appellate CM/ECF System.

/s/ Ryan P. Mulvey

Ryan P. Mulvey

Counsel for Plaintiffs-Appellants